

REMARKS

This Amendment is in Response to the Office Action of July 19, 2005. In the Office Action, the Patent Office withdrew the Notice of Allowance issued on March 3, 2005. Prosecution was reopened on Claims 1-21 in view of the "newly discovered" references U.S. Patent No. 4,017,736 to Ross ("*Ross*") and "Disinfection, Sterilization, and Preservation," pp. 21, 32, 33, 182-190, 553-565, Fourth Edition 1991 to Block ("*Block*").

Of note, the Patent Office had allowed all of Claims 1-21 over *Hsu*, *Wang* and *Smith*, alone or in combination. In the present Office Action, Claims 1-4, 9 and 10 are rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,656,063 to Hsu ("*Hsu*"), U.S. Patent No. 5,702,507 to Wang ("*Wang*"), and *Ross*. Claims 15 and 17 stand rejected under 35 U.S.C. §103(a) as obvious over *Hsu* in view of *Wang*, *Ross* and *Block*. Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as obvious over *Wang* in view of *Ross*. Claim 7 stands rejected under 35 U.S.C. §103(a) as obvious over *Wang* in view of *Ross* and *Hsu*. Claim 8 is rejected under 35 U.S.C. §103(a) as obvious over *Wang* in view of *Ross* and U.S. Patent No. 5,641,342 to Smith ("*Smith*"). Claim 16 is also rejected under 35 U.S.C. §103(a), as obvious over *Wang* in view of *Ross* and *Block*. Claims 11-14 are rejected under 35 U.S.C. §103(a) over *Wang* in view of *Ross* and *Hsu*. Claim 18 stands rejected under 35 U.S.C. §103(a) as obvious over *Wang* in view of *Ross* and *Hsu* and *Block*. Claim 19 stands rejected under 35 U.S.C. §103(a) as unpatentable over *Hsu* in view of *Ross* and *Wang*. Claim 20 is also rejected under 35 U.S.C. §103(a) as obvious over *Hsu* in view of *Ross* and *Wang*. Claim 21 is rejected under 35 U.S.C. §103(a) as obvious over *Hsu* in view of *Ross* and *Wang* and further in view of *Smith*. Applicants respectfully traverse these rejections for the reasons stated below.

In the Office Action, each of pending Claims 1-21 stands rejected over *Ross* and/or *Wang* in combination with one or more of the other references. *Ross* is one of two newly discovered references that resulted in the withdrawal of the allowability of the claims. The Office Action states that *Ross*, when combined with the other references, renders the pending claims obvious. For the reasons stated below, Applicants respectfully disagree.

Ross relates to air purification equipment comprising an enclosure and a fan located at the bottom of the enclosure. The fan draws air upward from the base, and out the top of the unit. (See Col. 2, ln. 11-18). UV tubes are mounted vertically on the walls of the enclosure. The fan

means of *Ross*, in addition to differing structurally, does not put forth the same issues and considerations as the air transporter and conditioner of the claimed invention. In particular, the electro-kinetic stream of the claimed invention is relatively weaker and can be disrupted much more easily than the fan-produced air stream of *Ross*. Accordingly, the positioning of any UV devices is important to electro-kinetic devices not so much so in fan-driven devices. *Ross* discloses a radiation source completely contained within the enclosure. The ultraviolet tubes are mounted vertically around three of four enclosure walls. Such a configuration could seriously interfere with air flow in an electro-kinetic device. In contrast, the claimed invention includes a germicidal lamp “*removably mounted in said housing such that after said inlet is removed, said germicidal lamp can be removed.*” The removable lamp of the claimed invention is not disclosed, taught or suggested by *Ross*, as the systems are entirely different. Simply because *Ross* relates to the treatment of air does not indicate that one of its components—particularly one that differs in structure and function—would be obvious within the device of the claimed invention.

In this regard, one of ordinary skill would not be motivated to combine *Ross* with a reference such as *Wang*, which teaches an electro-kinetic air cleaner having removable electrodes. While *Wang* discloses such a device including a removable ozone tube, the system of *Wang* is wholly dissimilar from the fan-driven system of *Ross*. Accordingly, one of ordinary skill would not be motivated to combine *Wang*, or, for that matter any electro-kinetic air cleaner with *Ross*.

The remaining references, *Hsu*, *Block* and *Smith*, are utilized by the Office Action as bases for rejections of particular aspects of some of the claims—most being dependent claims. Regardless, rejection based on each of these references is moot in light of the above arguments, as each is combined with *Ross* and/or *Wang*. Further, with the exception of *Block*, each was addressed previously by Applicants, and the Patent Office allowed the claims over the references. *Block* merely adds a UV light range, per the Office Action. Neither *Hsu*, *Block* nor *Smith* teaches, suggests or discloses a removable germicidal lamp within an electro-kinetic ion generator, as seen in the claimed invention. Therefore, in light of the above and previously-made arguments, none of these references renders the claimed invention obvious.

For at least these reasons, Applicants submit that the present invention is not obvious, even in light of the newly-found references, and Applicant's respectfully request that the above application be once again passed to allowance.

The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application. The Commissioner is authorized to charge any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-1818 (Docket no. 112440-529) for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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